IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5594 of 2005

Between:

1 Smt. Avulamanda Gangabavani, W/o. Avulamanda Brahamam,
Dr. 61-22--12/6, Gulabithota,
Ramalingeswaranagar, Patamata, Vijawada , Krishna Dristrict.

2 Durgam Subba Rao, S/O. Chenchaiah,
Dr.No.61-22-12/6, Galabithota, Ramalingeswaranagar, Patamata,
Vijayawada, Krishna Dirstrict.

..... PETITIONERS

AND

Municipal Corporation, Vijayawada,

Represented by its Commissioner.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or Mandamus or any other appropriate writ, order or direction, declaring the action of the respondent in trying to dispossess them from the property situated in door No.61-22-12/6, Gulbithota, Ramalingeswaranagar, Patamata, Vijayawada as llegal and consequently direct the respondent not dispossess them from the above said property without following the due process of law and pass such other or further orders as are deemed fit and proper.

Counsel for the Petitioners: MR.N.SUBBA RAO

Counsel for the Respondent: MR.T.S.VENKATARAMANA

This Court at the admission stage made the following :

O R D E R:

The petitioners claim to be the absolute owners and possessors of the premises bearing Door No.61-22-12/6, Gulabithota, Ramalingeswara Nagar, Patamata, Vijayawada . It is claimed that they have been regularly paying property tax to the Municipal Corporation for the last several years and have been in continuous possession and enjoyment of the said land. It is alleged that on 16-3-2005 the staff of the respondent-Corporation visited the house in question and attempted to demolish the same without explaining any reasons. It is contended that there was no notice served on the petitioners and no proceedings were initiated under any Statue and therefore the action of the respondent Corporation in seeking to dispossess the petitioners highhandedly from the house in question as arbitrary and illegal. Hence, this writ petition.

Having heard the learned counsel for the petitioners and the learned standing counsel appearing for the respondent-Corporation, and keeping in view the assertions of the petitioners as to their ownership and continuous possession, I deem it appropriate to dispose of the writ petition with a direction to the respondent-Corporation not to interfere with the possession of the petitioners without following due process of law. It is made clear that this Court has not expressed any opinion as to the ownership claimed by the petitioners and it is always open to the respondent Corporation to take necessary steps following due process of law.

The writ petition is accordingly disposed of with a direction to the respondent-Corporation not to interfere with the possession of the petitioners in respect of the premises bearing No.61-22-12/6,

Gulabithota, Ramalingeswaranagar, Patamata, Vijayawada, without following due process of law. No costs.

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(**G. ROHINI, J**)

Date: 18-03-2005

ghn

To

1. The Commissioner, Municipal Corporation, Vijayawada.
2. Two CD copies.

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5594 OF 2005

OPERATIVE PORTION (BY WIRE):

The writ petition is accordingly disposed of with a direction to the respondent-Corporation not to interfere with the possession of the petitioners in respect of the premises bearing No.61-22-12/6, Gulabithota, Ramalingeswaranagar, Patamata, Vijayawada, without following due process of law. No costs.

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(**G. ROHINI, J**)

Date: 18-03-2005

Note:

1. Issue wire at party's costs.
2. Please send the bundle to the Court Masters Section after dispatch of the

wire order.

B/o

ghn